

Distr.
LIMITED

E/CN.4/1993/L.53
2 March 1993

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Agenda item 10 (c)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF
DETENTION OR IMPRISONMENT, IN PARTICULAR: QUESTION OF ENFORCED OR
INVOLUNTARY DISAPPEARANCES

Argentina, Australia, Austria, Belgium*, Bulgaria, Canada, Chile,
Costa Rica, Cyprus, Czech Republic, Denmark*, Finland, France,
Gambia, Greece*, Guinea-Bissau, Hungary*, Ireland*, Italy*,
Luxembourg*, Mauritania, Mauritius, Netherlands, New Zealand*,
Norway*, Panama*, Poland, Portugal, Russian Federation, Rwanda*,
Senegal*, Slovakia*, Spain*, Sweden*, Switzerland*, United Kingdom
of Great Britain and Northern Ireland and Uruguay: draft resolution

1993/... Question of enforced or involuntary disappearances

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978,
in which the Assembly requested the Commission on Human Rights to consider the
question of disappeared persons with a view to making appropriate
recommendations, and all other United Nations resolutions concerning missing
or disappeared persons,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it
decided to establish a working group consisting of five of its members, to

* In accordance with rule 69, paragraph 3, of the rules of procedure of
the functional commissions of the Economic and Social Council.

serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1990/30 of 2 March 1990, 1991/41 of 5 March 1991, and 1992/30 of 28 February 1992,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the General Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Convinced of the need to continue implementing the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of disappeared persons, with a view to finding solutions for cases of disappearances and helping to eliminate enforced disappearances, duly taking into account the provisions of the Declaration,

Also noting General Assembly resolution 47/132 of 18 December 1992, entitled "Question of Enforced or Involuntary Disappearances",

Deeply concerned at the persistence of the practice of enforced disappearances in various parts of the world,

Also concerned at the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of disappeared persons,

Recalling in this connection its resolution 1992/59 of 3 March 1992 on cooperation with representatives of United Nations human rights bodies,

Emphasizing the relevance of its resolution 1992/24 of 28 February 1992 on forensic science to the activities of the Working Group on Enforced or Involuntary Disappearances,

Having considered the report of the Working Group (E/CN.4/1993/25 and Add.1),

1. Expresses its appreciation to the Working Group for the way in which it is performing its tasks, and thanks it for submitting to the Commission a report in accordance with resolution 1992/30;
2. Takes note of the report of the Working Group and thanks the Group for continuing to improve its methods of work and for recalling the humanitarian spirit underlying its mandate;
3. Requests the Working Group, in its efforts to help to eliminate the practice of enforced disappearances, to submit to the Commission all information it deems necessary and any specific recommendations it may have regarding the fulfilment of its task;

4. Reminds the Working Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the treatment of communications and the consideration of Government replies;

5. Invites all Governments to take appropriate legislative or other steps to prevent and punish the practice of enforced disappearances with special reference to the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action to that end nationally, regionally and in cooperation with the United Nations;

6. Notes with concern, as the Working Group stresses in its report, that some Governments have never provided substantive replies concerning disappearances alleged to have occurred in their countries;

7. Deplores the fact that, as the Working Group points out in its report, some Governments have not acted on the recommendations concerning them made in the reports of the Working Group, and requests the Working Group to continue to submit to the Commission information on the follow-up to its recommendations;

8. Urges the Governments concerned, particularly those which have not yet responded to communications transmitted to them by the Working Group, to cooperate with and assist the Working Group so that it may carry out its mandate effectively, and in particular to reply expeditiously to its requests for information;

9. Also urges the Governments concerned to intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

10. Once again urges the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

11. Encourages the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable the Working Group to fulfil its mandate even more effectively;

12. Urges Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced disappearances;

13. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries whenever there is reason to

believe that an enforced disappearance has occurred in territory under their jurisdiction;

14. Expresses its profound thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Group's recommendations, and invites them to inform the Working Group of any action they take on those recommendations;

15. Requests the Working Group, pursuant to its mandate, to take into account the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance, and to modify its working methods if necessary;

16. Invites the Working Group to cite in its future reports any obstacles to the proper application of the Declaration, and to recommend means of overcoming them;

17. Also invites the Working Group to continue to consider the question of impunity, drawing in particular on the comments of States and non-governmental organizations, in close collaboration with the rapporteurs appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, with due regard for the relevant provisions of the Declaration;

18. Also requests the Working Group to pay attention to cases of children subjected to enforced disappearance and children of disappeared persons;

19. Requests the Working Group to report on its work to the Commission at its fiftieth session, and to continue to discharge its mandate discreetly and conscientiously;

20. Requests the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions, following them up and holding sessions in countries that would be prepared to receive it;

21. Requests the Secretary-General to keep the Working Group and the Commission on Human Rights regularly informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration on the Protection of All Persons from Enforced Disappearance.

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